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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,160	11/07/2001	Takao Gomikawa	P 284082 T4HW-01S0625-1	4887
909	7590	05/07/2004	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			NATNAEL, PAULOS M	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 05/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,160

Applicant(s)

GOMIKAWA, TAKAO

Examiner

Paulos M. Natnael

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-3, 7-9, and 13-15** are rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al., U.S. Pat. No. **5,561,471**.

Considering claim **1**, a data reproduction apparatus comprising:

a) an input section receiving a first piece of caption information including a first piece of control information for displaying a caption on the screen of a television receiving set, is met by Caption signal extractor 41 that is configured "to extract the control code and the character code from the caption signal." (col. 5, lines 55-59)

b) a second piece of caption information including a second piece of control information for displaying the caption in a language different from that of the first piece of caption information, is also met by Caption signal extractor 41, and by the disclosure in Figs. 5 and 6F that describes "an operation of a foreign language and a user's native language when both of the captions are simultaneously displayed on the screen." (col. 6, lines 42-46) [emphasis added]

c) a controller displaying said first and second pieces of caption information simultaneously without overlap by modifying the value of at least either of the first and second pieces of control information, is met by the decoder 42 that "is adapted to change the preselected position information of the extracted control code into the changed position information of the caption move select mode signal from the remote controller 21 and output the changed position information together with the character code" (col. 5, line 66 through col. 6, line 4; see also lines 17-20) and by the disclosure that "the position of the caption to be displayed can be moved on the screen freely according to the user's selection. Therefore, the foreign language caption and the caption in the user's native language can be displayed simultaneously on the screen without superimposition on each other, thereby allowing the user to view both of the captions on the screen simultaneously..." (col. 9, lines 14-19) [emphasis added by examiner]

Considering claim 2, the data reproduction apparatus according to claim 1, wherein said controller is adapted to change at least the size or the position to be used for displaying said first piece of caption information by changing the value of said first piece of control information so that the first and second pieces of caption information may be displayed without overlap, is met by the disclosure "...the position of the caption to be displayed can be moved on the screen freely according to the user's selection. Therefore, the foreign language caption and the caption in the user's native language can be displayed simultaneously on the screen without superimposition on each other, thereby allowing

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the user to view both of the captions on the screen simultaneously...." (col. 9, lines 14-19)

Considering claim 3, the data reproduction apparatus according to claim 1, wherein said controller is adapted to change at least the size or the position to be used for displaying each of said first and second pieces of caption information by changing the values of said first and second pieces of control information so that the first and second pieces of caption information may be displayed without overlap.

See rejection of claim 1(c) and claim 2. (see col. 7, lines 6-14 and 20-52)

Considering claim 7, a digital broadcast receiving set comprising: an input section receiving a television broadcast and caption information relating to the television broadcast and containing a first piece of caption information including a. first piece of control information for displaying a caption on the screen of the receiving set and a second piece of caption information including a second piece of control information for displaying the caption in a language different from that of the first piece of caption information; and a controller displaying said first and second pieces of caption information simultaneously without overlap by modifying the value of at least either of the first and second pieces of control information.

Regarding claim 7, see rejection of claim 1. (The phrase "receiving a television broadcast" being the only difference from claim 1).

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Considering claim 8, the digital broadcast receiving set according to claim 7, wherein said controller is adapted to change at least the size or the position to be used for displaying said first piece of caption information by changing the value of said first piece of control information so that the first and second pieces of caption information may be displayed without overlap.

Regarding claim 8, see rejection of claim 2.

Considering claim 9, the digital broadcast receiving set according to claim 7, wherein said controller is adapted to change at least the size or the position to be used for displaying each of said first and second pieces of caption information by changing the values of said first and second pieces of control information so that the first and second pieces of caption information may be displayed without overlap.

Regarding claim 9, see rejection of claims 1(c) and claim 2.

Considering claim 13, a data reproduction method comprising: a reproducing reproducing a first piece of caption information including a first piece of control information for displaying a caption on the screen of a television receiving set and a second piece of caption information including a second piece of control information for displaying the caption in a language different from that of the first piece of caption information; and a controlling displaying said first and second pieces of caption information simultaneously without overlap by modifying the value of at least either of the first and second pieces of control information.

Claim **13** is a method claim of claim 1 and thus, claim 13 is rejected for the same reasons as in claim 1.

Considering claim **14**, the data reproduction method according to claim 13, wherein said controlling is adapted to change at least the size or the position to be used for displaying said first piece of caption information by changing the value of said first piece of control information so that the first and second pieces of caption information may be displayed without overlap.

Claim **14** is a method claim of claim 2 and thus, claim 14 is rejected for the same reasons as in claim 2.

Considering claim **15**, the data reproduction method according to claim 13, wherein said controlling is adapted to change at least the size or the position to be used for displaying each of said first and second pieces of caption information by changing the values of said first and second pieces of control information so that the first and second pieces of caption information may be displayed without overlap.

Claim **15** is a method claim of claim 3 and thus, claim 15 is rejected for the same reasons as in claim 3.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **4, 5,10,11, 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. U.S. Patent No. 5,561,471 in view of Chang, U.S. Patent No. 5,543,851.

Considering claim 4, the data reproduction apparatus according to claim 1, wherein said second piece of caption information is produced by translating said first piece of caption information and said controller is adapted to change at least the size or the position to be used for displaying said first piece of caption information by changing the value of said first piece of control information so that the first and second pieces of caption information may be displayed without overlap.

Regarding claim 4, Kim discloses a conventional method wherein when a video tape made in one country is to be distributed in the other country, the rows of speech on the video tape in the language of one country may be translated into that of the other country and the translated rows are then dubbed onto the video tape to be displayed as a caption on the screen of the monitor, for the purpose of facilitating a viewer's understanding. (see col. 1, lines 28-34) Translating closed caption data using a decoder or caption processing device within the same system or device, however, is

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well known in the art. In that regard, Chang discloses a method and an apparatus for translating closed caption data wherein responsive to a user request, a microprocessor of the system retrieves the translation of the text and display the translation on the screen. Chang specifically discloses that a "memory 56 coupled to the microcontroller 54 stores the caption data, a dictionary for defining words of the caption data, or a translation dictionary for translating words of the caption data from a first language into at least one second language. The dictionary may be in multiple languages. [emphasis added] The memory 56 may include, for example, a conventional random access memory and a conventional read only memory." (col. 4, lines 9-14)

Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Kim et al. by providing a translation means within the device, so that unlike the conventional method the desired text would be translated in the same device and displayed on the user's screen making it convenient and easy in the process for the viewer to view multiple language captions as desired instead of having the choice of only one previously dubbed language.

Considering claim 5, the data reproduction apparatus according to claim 1, wherein said second piece of caption information is produced by translating said first piece of caption information and said controller is adapted to change at least the size or the position to be used for displaying each of said. first and second pieces of caption information by changing the values of said first and second pieces of control information

so that the first and second pieces of caption information may be displayed without overlap.

Regarding claim 5, see the rejection of claims 2 and 4.

Considering claim **10**, the digital broadcast receiving set according to claim 7, wherein said second piece of caption information is produced by translating said first piece of caption information and said controller is adapted to change at least the size or the position to be used for displaying said first piece of caption information by changing the value of said first piece of control information so that the first and second pieces of caption information may be displayed without overlap.

Regarding claim 10, see rejection of claim 4.

Considering claim **11**, the digital broadcast receiving set according to claim 7, wherein said second piece of caption information is produced by translating said first piece of caption information and said controller is adapted to change at least the size or the position to be used for displaying each of said first and second pieces of caption information by changing the values of said first and second pieces of control information so that the first and second pieces of caption information may be displayed without overlap.

Regarding claim 11, see rejection of claim 5.

Considering claim **16**, the data reproduction method according to claim 13, wherein

said second piece of caption information is produced by translating said first piece of caption information and said controlling is adapted to change at least the size or the position to be used for displaying said first piece of caption information by changing the value of said first piece of control information so that the first and second pieces of caption information may be displayed without overlap.

Regarding claim **16**, see rejection of claim 4.

Considering claim **17**, the data reproduction method according to claim 13, wherein said second piece of caption information is produced by translating said first piece of caption information and said controlling is adapted to change at least the size or the position to be used for displaying each of said first and second pieces of caption information by changing the values of said first and second pieces of control information so that the first and second pieces of caption information may be displayed without overlap.

Regarding claim **17**, see rejection of claim 5.

5. Claims **6,12, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. U.S. Patent No. 5,561,471 in view of Yamamoto, U.S. Patent No. 5,786,864.

Considering claim **6**, the data reproduction apparatus according to claim 1, wherein

said controller displays said first and second pieces of caption information in respective colors that are different from each other.

Regarding claim 6, Kim does not disclose changing color or providing different colors for different captions. This feature however is notoriously well known in the television art.

In that regard, Yamamoto discloses a moving picture processing apparatus and method wherein image data and special effects data are transmitted in common. In Fig. 5 of Yamamoto, the user is capable of selecting a caption in the desired language from among the captions in three different languages stored in first, second, and third caption-text data memories 131-133. Furthermore, Yamamoto discloses that the “the user can set display/non-display of captions, the color of the caption display and its position on the screen as well as the size of the characters.” [emphasis added]

Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Kim et al. by providing the method of having to set or to choose different colors for the caption or the text of different languages, so that the captions may easily be distinguishable to the viewer.

Considering claim 12, the digital broadcast receiving set according to claim 7, wherein said controller displays said first and second pieces of caption information in respective colors that are different from each other.

Regarding claim 12, see rejection of claim 6.

Considering claim **18**, the data reproduction method according to claim 13, wherein said controlling is adapted to display said first and second pieces of caption information in respective colors that are different from each other.

Regarding claim **18**, see rejection of claim 6.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

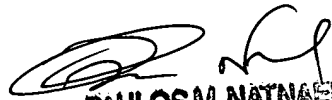
Akiyoshi et al., U.S. Patent No. 5,477,274 discloses a closed caption decoder capable of displaying caption information at a desired display position on a screen of a television receiver.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Paulos M. Natnael* whose telephone number is (703) 305-0019. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PMN
April 23, 2004



PAULOS M. NATNAEL
PATENT EXAMINER